

**BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL A**

IN RE: **DAVID MATTHEW LITTLEJOHN**, Respondent
Arkansas Bar ID #2008038
CPC Docket No. 2013-025

CONSENT FINDINGS & ORDER

The formal charges of misconduct upon which this Consent Order is premised, involving respondent attorney David M. Littlejohn of Little Rock, Arkansas, arose from information brought to the attention of the Committee on Professional Conduct by Circuit Judge Herbert Wright, Jr, and attorneys David Hawkey and Richard Worsham.

1. Mr. Littlejohn was licensed in Arkansas on April 9, 2008, with Bar #2008038. He was previously licensed in Florida in May 2003.

2. Administrative Order #17 - Professional Practicum Rule of the Arkansas Supreme Court, adopted effective January 1, 2005, requires each attorney admitted by examination in Arkansas thereafter to complete the requirements of the Professional Practicum program within two years after being issued an Arkansas law license. An attorney failing to meet this requirement shall have his or her law license suspended, and the suspension shall only be lifted upon completion of the program, which is offered once annually.

3. Mr. Littlejohn failed to complete the Professional Practicum requirement in 2008 or 2009, resulting in the suspension of his Arkansas law license on April 5, 2010. Mr. Littlejohn completed the Professional Practicum on November 12, 2010, and his license was reinstated from that specific suspension on November 16, 2010.

4. At the time, the deadline for payment of the annual Supreme Court mandated renewal fee for Arkansas law licenses was March 1. Any license fee not timely paid results in

automatic administrative suspension of the license on March 2, continuing until the license fee plus penalty fee is paid to the Clerk. Rule VII, Arkansas Supreme Court Rules Governing Admission to the Bar. Mr. Littlejohn was delinquent in paying his annual license renewal fee and his Arkansas law license was therefore suspended as follows:

- a. From March 2 to November 16, 2010,
- b. From March 2 to July 28, 2011,
- c. From March 2 to May 31, 2012, and
- d. From March 2 to March 8, 2013.

5. During each year of July 1 - June 30, unless exempted, Arkansas law license holders are required to complete twelve (12) hours of approved continuing legal education (CLE) courses, which shall include one hour of legal ethics. Rule 4, Arkansas Supreme Court Rules for Minimum Continuing Legal Education. Noncompliance with this CLE requirement, and failure to timely cure any deficiency will result in the sanction of suspension of the law license until the deficiency is cured and certain fees, including a \$250.00 reinstatement fee, are paid. Rule 6, Arkansas Supreme Court Rules for Minimum Continuing Legal Education and Rule 6.01(6), Arkansas Supreme Court Continuing Legal Education Regulations. Mr. Littlejohn was noncompliant in his CLE annual requirements and his Arkansas law license was therefore suspended from November 22, 2011 to March 28, 2013.

6. Mr. Littlejohn's Arkansas law license was suspended for noncompliance with the Professional Practicum rule, nonpayment of his annual license renewal fee, or CLE noncompliance or two of the three as follows:

- a. March 2 to November 16, 2010,

b. March 2 to July 28, 2011, and

c. November 22, 2011 to March 28, 2013.

7. During periods when his Arkansas law license was in suspended status, Mr.

Littlejohn practiced law as follows:

a. In Saline County Circuit Court Case No. 63cv-11-494, Melissa Wilson v. Trellious C. Campbell, on July 1, 2011, Mr. Littlejohn filed a Complaint and Petition for Declaratory Judgment; on March 8, 2012, he filed a Motion for Default Judgment; and on April 19, 2012, an Order he prepared was approved and filed.

b. In Pulaski County Circuit Court Case No. 60cr-12-1433, State v. Janet Jennings, on May 8, 2012, Mr. Littlejohn caused his client's misdemeanor appeal from District court to be filed. His participation in the case continued until a final court appearance on September 25, 2012.

c. In Saline County Circuit Court Case No. 63dr-09-1193, Steven Furr v. Brianna Furr, on July 5, 2012, Mr. Littlejohn filed a Response to Plaintiff's Motion for Contempt and for Modification of Decree and Counter-Motion to Modify; on November 16, 2012, he appeared at a hearing; and he was still active in the case as of December 17, 2012, when the Order from the November 16 hearing was presented, approved, and filed.

d. In Saline County Circuit Court Case No. 63dr-12-689, Drew Talbert v. Brianna Talbert, on July 5, 2012, Mr. Littlejohn filed an Answer and Counterclaim for Brianna Talbert; on November 16, 2012, he appeared at a hearing; and he was still active in the case as of December 17, 2012, when the Decree of Divorce from the November 16 hearing was presented, approved, and filed.

e. In Pulaski County Circuit Court Case No. 60cr-12-263, State v. Brian Sims, a First Degree Murder case, in March 2013.

8. Littlejohn was associated by Sims lead retained counsel David Horn in early March 2013 to assist in the Sims trial, set to start March 27, 2013. Horn went to the Supreme Court Clerk's office on March 8, 2013, and paid the \$300 required to remove Littlejohn's suspension for nonpayment of his 2013 annual license renewal fee. Littlejohn participated in the trial of the Sims case during the State's case in chief. Information was presented on the second day of trial that Mr. Littlejohn's Arkansas law license was still in suspended status. A mistrial was eventually declared and the case is reset for trial in June 2013.

9. On March 28, 2013, Horn and Littlejohn went to the Office of Professional Programs where Horn paid the \$250 fee required to complete the reinstatement of Littlejohn from his CLE suspension that commenced on November 22, 2011.

Following Respondent Attorney's receipt of the formal complaint, the attorney entered into discussion with the Executive Director which has resulted in an agreement to discipline by consent pursuant to Section 20.B of the Arkansas Supreme Court Procedures Regulating Professional Conduct of Attorneys at Law (2011). Upon consideration of the formal complaint and attached exhibits, admissions made by the respondent attorney, the terms of the written consent, the approval of Panel A of the Committee on Professional Conduct, and the Arkansas Rules of Professional Conduct, the Committee on Professional Conduct finds:

A. The conduct of David M. Littlejohn violated Rule 3.4(c) in that (1) Littlejohn failed to pay his 2010 Arkansas bar license fee by March 1, 2010, as required by Arkansas Supreme Court Rule VII.C, Rules Governing Admission to the Bar; (2) Littlejohn failed to pay his

2011 Arkansas bar license fee by March 1, 2011, as required by Arkansas Supreme Court Rule VII.C, Rules Governing Admission to the Bar; (3) Littlejohn failed to pay his 2012 Arkansas bar license fee by March 1, 2012, as required by Arkansas Supreme Court Rule VII.C, Rules Governing Admission to the Bar; and (4) Littlejohn failed to pay his 2013 Arkansas bar license fee by March 1, 2013, as required by Arkansas Supreme Court Rule VII.C, Rules Governing Admission to the Bar. Arkansas Rule 3.4(c) requires that a lawyer shall not knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists.

B. The conduct of David M. Littlejohn violated Rule 5.5(a) in that (1) Littlejohn failed to pay his 2011 Arkansas Bar license fee by March 1, 2011, as required by Arkansas Supreme Court Rule VII.C, Rules Governing Admission to the Bar, resulting in the automatic suspension of his Arkansas law license until July 28, 2011, when his 2011 license fee was paid, and he practiced law, including on the Wilson v. Campbell case, No. 63cv-11-494 in Saline Circuit Court, while his Arkansas law license was suspended during this period; (2) Littlejohn failed to pay his 2012 Arkansas Bar license fee by March 1, 2012, as required by Arkansas Supreme Court Rule VII.C, Rules Governing Admission to the Bar, resulting in the automatic suspension of his Arkansas law license until May 31, 2012, when his 2012 license fee was paid, and he practiced law, including on the State v. Janet Jennings case, No. 60cr-12-1433 in Pulaski Circuit Court, while his Arkansas law license was suspended during this period; (3) Littlejohn's Arkansas law license was suspended for CLE noncompliance from November 22, 2011, to March 28, 2013, when his license was reinstated, and he practiced law, including on the Furr v. Furr case, No. 63dr-09-1193 in Saline Circuit Court, while his

Arkansas law license was suspended during this period; (4) Littlejohn's Arkansas law license was suspended for CLE noncompliance from November 22, 2011, to March 28, 2013, when his license was reinstated, and he practiced law, including on the Talbert v. Talbert case, No. 63dr-12-689 in Saline Circuit Court, while his Arkansas law license was suspended during this period; (5) Littlejohn's Arkansas law license was suspended for CLE noncompliance from November 22, 2011, to March 28, 2013, when his license was reinstated, and he practiced law, including on the State v. Brian Sims case, No. 60cr-12-263 in Pulaski Circuit Court, while his Arkansas law license was suspended during this period. Arkansas Rule 5.5(a) provides that a lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

C. The conduct of David M. Littlejohn violated Rule 8.4(d) in that Littlejohn's active participation in the trial of State v. Brian Sims on March 27-28, 2013, while his Arkansas law license was in suspended status led to the need to declare a mistrial in a serious case and the case having to be set for retrial, an unnecessary use or misuse of limited court, jury, and prosecutorial time and resources, and conduct by Littlejohn that is prejudicial to the administration of justice. Arkansas Rule 8.4(d) provides that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

WHEREFORE, in accordance with the consent to discipline presented by Mr. Littlejohn and the Executive Director, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct that Respondent David M. Littlejohn, Arkansas Bar No. 2008038, be, and hereby is, **CAUTIONED** for his conduct in this matter and assessed \$50.00 costs. In approving the sanction here, the panel considered Littlejohn's lack

of a disciplinary record. The costs assessed herein shall be payable by cashier's check or money order payable to the "Clerk, Arkansas Supreme Court" delivered to the Office of Professional Conduct with thirty (30) days of the date this Findings and Order is filed of record with the Clerk of the Arkansas Supreme Court.

ARKANSAS SUPREME COURT COMMITTEE
ON PROFESSIONAL CONDUCT - PANEL

By /s/ Danyelle J. Walker, Chairperson, Panel A

Date : July 31, 2014

Original filed with the Arkansas Supreme Court Clerk
on August 4, 2014.